

Senate File 164 - Introduced

SENATE FILE 164

BY WHITING

A BILL FOR

1 An Act relating to the practice of barbering and cosmetology
2 arts and sciences and providing transition provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 10A.104, subsection 14, Code 2021, is
2 amended to read as follows:

3 14. Administer inspections of cosmetology salons under
4 ~~section 157.7~~ and barbershops under ~~section 158.6~~ chapter 157.

5 Sec. 2. Section 147.13, subsection 11, Code 2021, is amended
6 to read as follows:

7 11. For cosmetology arts and sciences, the board of
8 barbering and cosmetology arts and sciences.

9 Sec. 3. Section 147.13, subsection 12, Code 2021, is amended
10 by striking the subsection.

11 Sec. 4. Section 147.14, subsection 1, paragraphs a and n,
12 Code 2021, are amended by striking the paragraphs.

13 Sec. 5. Section 147.14, subsection 1, Code 2021, is amended
14 by adding the following new paragraph:

15 NEW PARAGRAPH. x. For barbering and cosmetology arts and
16 sciences, three members who are licensed cosmetologists; two
17 members who are licensed to practice barbering and hairstyling;
18 one member who is a licensed electrologist, esthetician, or
19 nail technologist; one member who is a licensed instructor of
20 cosmetology arts and sciences or hairstyling at a public or
21 private school and who does not own a school of cosmetology
22 arts and sciences; one member who owns a school of cosmetology
23 arts and sciences; and three members who are not licensed to
24 practice barbering and hairstyling or licensed in a practice
25 of cosmetology arts and sciences and who shall represent the
26 general public.

27 Sec. 6. Section 147.76, Code 2021, is amended to read as
28 follows:

29 **147.76 Rules.**

30 The boards for the various professions shall adopt all
31 necessary and proper rules to administer and interpret this
32 chapter and ~~chapters 148 through 158~~ 157, except ~~chapter 148D~~.

33 Sec. 7. Section 157.1, Code 2021, is amended by adding the
34 following new subsections:

35 NEW SUBSECTION. 01. "*Barber and hairstylist*" means a

1 person who performs the practice of barbering and hairstyling,
2 or otherwise by the person's occupation claims to have
3 knowledge or skill particular to the practice of barbering and
4 hairstyling.

5 NEW SUBSECTION. 001. "*Barbering*" means the practices listed
6 in this subsection performed with or without compensation.
7 "*Barbering*" includes but is not limited to the following
8 practices performed upon the upper part of the human body of
9 any person for cosmetic purposes and not for the treatment of
10 disease or physical or mental ailments:

11 a. Shaving or trimming the beard, including with a straight
12 edge razor, or cutting the hair.

13 b. Giving facial and scalp massages or treatments with oils,
14 creams, lotions, or other preparations either by hand, or by
15 electrical or mechanical appliances.

16 c. Singeing, shampooing, hair body processing, arranging,
17 dressing, curling, blow waving, hair relaxing, bleaching or
18 coloring the hair, or applying hair tonics.

19 d. Applying cosmetic preparations, antiseptics, powders,
20 oils, clays, waxes, or lotions to the scalp, face, or neck.

21 e. Styling, cutting, or shampooing hairpieces or wigs when
22 done in conjunction with haircutting or hairstyling.

23 NEW SUBSECTION. 14A. "*Hairstyling*" means curling, waving,
24 press and curl hair straightening, shampooing, cutting,
25 singeing, bleaching, coloring, or similar works, upon the hair
26 on the head of any person, or upon a wig or hairpiece when done
27 in conjunction with haircutting or styling by any means.

28 Sec. 8. Section 157.1, subsection 1, Code 2021, is amended
29 to read as follows:

30 1. "*Board*" means the board of barbering and cosmetology arts
31 and sciences.

32 Sec. 9. Section 157.1, subsection 5, paragraph a, Code 2021,
33 is amended to read as follows:

34 a. ~~Arranging, braiding, dressing,~~ Hairstyling, including
35 curling, waving, press and curl hair straightening, shampooing,

1 cutting, singeing, bleaching, coloring, or similar works, upon
2 the hair of any person, or upon a wig or hairpiece when done in
3 conjunction with haircutting or hairstyling by any means.

4 Sec. 10. Section 157.1, subsection 5, Code 2021, is amended
5 by adding the following new paragraphs:

6 NEW PARAGRAPH. *f.* Esthetics.

7 NEW PARAGRAPH. *g.* Nail technology.

8 NEW PARAGRAPH. *h.* Barbering.

9 Sec. 11. Section 157.1, subsection 6, Code 2021, is amended
10 by adding the following new paragraph:

11 NEW PARAGRAPH. *f.* Hairstyling.

12 Sec. 12. Section 157.1, subsection 26, Code 2021, is amended
13 to read as follows:

14 26. "*Salon*" means a fixed establishment or place, or an
15 establishment that is readily movable which either operates up
16 to three consecutive days at one location or returns to a home
17 base at the end of the day, where one or more persons engage
18 in the practice of cosmetology arts and sciences, including,
19 but not limited to, a retail establishment where cosmetologists
20 engage a person engages in the practice of cosmetology arts and
21 sciences.

22 Sec. 13. Section 157.2, subsection 1, paragraphs b and h,
23 Code 2021, are amended by striking the paragraphs.

24 Sec. 14. Section 157.2, subsection 2, Code 2021, is amended
25 to read as follows:

26 2. Cosmetologists shall not represent themselves to the
27 public as electrologists, estheticians, or nail technologists
28 unless the cosmetologist has completed the ~~additional~~ course of
29 study for the respective practice as prescribed by the board
30 pursuant to [section 157.10](#).

31 Sec. 15. Section 157.3, Code 2021, is amended by adding the
32 following new subsection:

33 NEW SUBSECTION. 3. The board shall adopt rules for the
34 licensure of persons who perform the practice of barbering
35 and hairstyling. A barber and hairstylist licensed pursuant

1 to this subsection shall not practice any cosmetology art or
2 science other than barbering and hairstyling. Nothing in
3 this subsection shall restrict the practice of barbering or
4 hairstyling by a cosmetologist.

5 Sec. 16. Section 157.3A, Code 2021, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 6. Shaving or trimming of a beard by means
8 of a straight edge razor shall only be performed by a licensed
9 cosmetologist trained and certified in the use of a straight
10 edge razor in compliance with applicable rules of the board.

11 The board shall adopt rules for the training and certification
12 of licensed cosmetologists in the use of a straight edge razor.

13 Sec. 17. Section 157.7, subsection 1, Code 2021, is amended
14 to read as follows:

15 1. The department of inspections and appeals shall
16 employ personnel pursuant to [chapter 8A, subchapter IV](#), to
17 perform duties related to inspection functions under this
18 chapter. ~~The department of inspections and appeals shall, when~~
19 ~~possible, integrate inspection efforts under [this chapter](#) with~~
20 ~~inspections conducted under [chapter 158](#).~~

21 Sec. 18. Section 157.8, subsection 2, paragraph c, Code
22 2021, is amended by striking the paragraph.

23 Sec. 19. NEW SECTION. 157.8A Use of schools of cosmetology
24 arts and sciences.

25 A school of cosmetology arts and sciences may be used for
26 purposes other than student instruction during scheduled
27 instruction time and work experience time so long as the other
28 activities do not disrupt classes. The board shall adopt rules
29 for the implementation of this section.

30 Sec. 20. Section 157.9, Code 2021, is amended to read as
31 follows:

32 **157.9 License suspension and revocation.**

33 Any license issued by the department under the provisions
34 of [this chapter](#) may be suspended, revoked, or renewal denied
35 by the board for violation of any provision of [this chapter](#)

1 or ~~chapter 158~~ or rules promulgated by the board under the
2 provisions of ~~chapter 17A~~.

3 Sec. 21. Section 157.10, subsections 1 and 3, Code 2021, are
4 amended to read as follows:

5 1. a. The course of study required for licensure for the
6 practice of cosmetology shall be two thousand one hundred clock
7 hours, or seventy semester credit hours or the equivalent
8 thereof as determined pursuant to administrative rule and
9 regulations promulgated by the United States department of
10 education. The clock hours, and equivalent number of semester
11 credit hours or the equivalent thereof as determined pursuant
12 to administrative rule and regulations promulgated by the
13 United States department of education, of a course of study
14 required for licensure for the practices of electrology,
15 esthetics, nail technology, manicuring, and pedicuring shall
16 be established by the board. The board shall adopt rules to
17 define the course and content of study for each practice of
18 cosmetology arts and sciences.

19 b. The course of study required for licensure which is
20 limited to the practice of esthetics shall be six hundred
21 hours.

22 c. The course of study required for licensure which is
23 limited to the practice of nail technology shall be three
24 hundred twenty-five hours.

25 3. A barber licensed under ~~chapter 158~~ or a student in
26 a barber school who applies for licensure in a practice of
27 cosmetology arts and sciences or who enrolls in a school
28 of cosmetology arts and sciences shall be granted, at the
29 discretion of the school, at least half credit and up to full
30 credit for each course successfully completed for licensure
31 as a barber which meets the requirements for licensure in a
32 practice of cosmetology arts and sciences.

33 Sec. 22. NEW SECTION. 157.10A Course of study — barbering
34 and hairstyling.

35 The course of study required for a license to practice

1 barbering and hairstyling shall be one thousand five hundred
2 hours or an equivalent number of semester credit hours or the
3 equivalent thereof. Nothing in this section shall restrict the
4 practice of barbering or hairstyling by a cosmetologist.

5 Sec. 23. Section 157.13, subsection 1, unnumbered paragraph
6 1, Code 2021, is amended to read as follows:

7 It is unlawful for a person to employ an individual to
8 practice cosmetology arts and sciences unless that individual
9 is licensed or has obtained a temporary permit under this
10 chapter. It is unlawful for a licensee to practice with or
11 without compensation in any place other than a licensed salon,
12 or a licensed school of cosmetology arts and sciences,~~or a~~
13 ~~licensed barbershop as defined in~~ section 158.1. The following
14 exceptions to this subsection shall apply:

15 Sec. 24. Section 261.9, subsection 3, paragraph b, Code
16 2021, is amended to read as follows:

17 ~~b. Is a barber school licensed under~~ section 158.7 ~~or~~
18 a school of cosmetology arts and sciences licensed under
19 chapter 157 and is accredited by a national accrediting agency
20 recognized by the United States department of education. For
21 the fiscal year beginning July 1, 2017, an eligible institution
22 under this paragraph shall provide a matching aggregate amount
23 of institutional financial aid equal to at least seventy-five
24 percent of the amount received by the institution's students
25 for Iowa tuition grant assistance under section 261.16A.
26 For the fiscal year beginning July 1, 2018, the institution
27 shall provide a matching aggregate amount of institutional
28 financial aid equal to at least eighty-five percent of the
29 amount received in that fiscal year. Commencing with the
30 fiscal year beginning July 1, 2019, and each succeeding fiscal
31 year, the matching aggregate amount of institutional financial
32 aid shall be at least equal to the match provided by eligible
33 institutions under paragraph "a".

34 Sec. 25. Section 261B.11, subsection 1, paragraph i, Code
35 2021, is amended to read as follows:

1 *i.* Postsecondary educational institutions licensed by
2 the state of Iowa under ~~section 157.8 or 158.7~~ chapter 157
3 to operate as schools of cosmetology arts and sciences ~~or as~~
4 ~~barber schools~~ in the state.

5 Sec. 26. Section 272C.1, subsection 6, paragraph g, Code
6 2021, is amended to read as follows:

7 *g.* The board of barbering and cosmetology arts and sciences,
8 created pursuant to chapter 147.

9 Sec. 27. Section 272C.1, subsection 6, paragraph i, Code
10 2021, is amended by striking the paragraph.

11 Sec. 28. Section 714.25, subsection 2, unnumbered paragraph
12 1, Code 2021, is amended to read as follows:

13 A proprietary school shall, prior to the time a student
14 is obligated for payment of any moneys, inform the student,
15 the college student aid commission, and in the case of a
16 school licensed under section 157.8, the board of barbering
17 and cosmetology arts and sciences ~~or in the case of a school~~
18 ~~licensed under section 158.7~~, the board of barbering, of all
19 of the following:

20 Sec. 29. REPEAL. Chapter 158, Code 2021, is repealed.

21 Sec. 30. EMERGENCY RULES. The board of cosmetology arts
22 and sciences, board of barbering, and board of barbering and
23 cosmetology arts and sciences may adopt emergency rules under
24 section 17A.4, subsection 3, and section 17A.5, subsection 2,
25 paragraph "b", to implement the provisions of this Act and
26 the rules shall be effective immediately upon filing unless
27 a later date is specified in the rules. Any rules adopted
28 in accordance with this section shall also be published as a
29 notice of intended action as provided in section 17A.4.

30 Sec. 31. TRANSITION PROVISIONS.

31 1. a. The merger of the boards of barbering and cosmetology
32 arts and sciences in this Act shall not affect the appointment
33 or any term of office of a member of either board prior to the
34 effective date of this Act. A member of the board of barbering
35 or the board of cosmetology arts and sciences shall continue to

1 serve until the member's term expires or the member ceases to
2 hold office, whichever first occurs.

3 b. The initial membership of the board of barbering and
4 cosmetology arts and sciences shall consist of all members
5 of the boards of barbering and cosmetology arts and sciences
6 serving on the effective date of this Act.

7 2. A rule adopted by the board of cosmetology arts and
8 sciences or board of barbering that is in force and effect
9 immediately prior to the effective date of this Act shall
10 continue in full force and effect until the earlier of the
11 following:

12 a. The rule is amended, rescinded, or supplemented by the
13 affirmative action of the board of barbering and cosmetology
14 arts and sciences.

15 b. The rule expires by its own terms.

16 3. Any license or permit issued by the board of cosmetology
17 arts and sciences or board of barbering in effect on the
18 effective date of this Act shall continue in full force and
19 effect until expiration or renewal.

20 4. Any funds in any account or fund of the board of
21 cosmetology arts and sciences or board of barbering shall
22 be transferred to the control of the board of barbering and
23 cosmetology arts and sciences.

24 5. Any cause of action, statute of limitation, or
25 administrative action relating to or initiated by the board of
26 cosmetology arts and sciences or board of barbering shall not
27 be affected as a result of this Act and shall apply to the board
28 of barbering and cosmetology arts and sciences.

29 6. All client and organizational files in the possession
30 of the board of cosmetology arts and sciences or board of
31 barbering shall become the property of the board of barbering
32 and cosmetology arts and sciences.

33 7. Any personnel in the state merit system of employment
34 who are mandatorily transferred due to the effect of this Act
35 shall be so transferred without any loss in salary, benefits,

1 or accrued years of service.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 This bill relates to the practices of barbering and
6 cosmetology. The bill merges the boards of cosmetology
7 arts and sciences and barbering into the board of barbering
8 and cosmetology arts and sciences, repeals Code chapter
9 158 governing barbering, and makes conforming changes. The
10 bill gives the board of barbering and cosmetology arts and
11 sciences all of the powers and responsibilities of the prior
12 boards. The bill provides that current members of the boards
13 of barbering and cosmetology arts and sciences shall become
14 members of the merged board until their terms otherwise expire
15 or they are otherwise replaced. The bill also provides that
16 the current rules of both boards shall remain in effect until
17 the board of barbering and cosmetology arts and sciences
18 amends, rescinds, or supplements the rules, or the rules expire
19 by their own terms. The bill grants the board of barbering,
20 the board of cosmetology arts and sciences, and the board
21 of barbering and cosmetology arts and sciences emergency
22 rulemaking authority to implement the provisions of the bill.
23 The bill also provides other transition provisions.

24 The bill changes the definition of "cosmetology" by removing
25 arranging, braiding, and dressing of hair and adds hairstyling.
26 The bill also adds esthetics, nail technology, and barbering
27 to the practices encompassed within the definition of
28 "cosmetology". The bill directs the board of barbering and
29 cosmetology arts and sciences to develop a program for the
30 certification of current cosmetologists to perform shaving with
31 a straight edge razor.

32 The bill sets the training requirements for a license to
33 practice esthetics to 600 hours and the training requirements
34 for a license to practice nail technology to 325 hours.

35 The bill allows a school of cosmetology arts and sciences to

1 be used for purposes other than student instruction so long as
2 the activities do not disturb student instruction.

3 The bill also directs the board of barbering and cosmetology
4 arts and sciences to adopt rules for the licensure of persons
5 who practice barbering and hairstyling. Under current
6 law, cosmetologists and barbers may both provide services
7 that include hairstyling. The bill preserves the ability
8 of cosmetologists to provide such services and instructs
9 the board to create a new license permitting barbering and
10 hairstyling licensees to provide only barbering and hairstyling
11 services. The bill provides a definition of hairstyling
12 and adds hairstyling to the list of cosmetology arts and
13 sciences disciplines. The bill also includes definitions for
14 "barbering" and "hairstyling".

15 The bill also provides for the development of a process
16 for the licensure of persons who provide both hairstyling and
17 barbering services but who do not practice any of the other
18 cosmetology arts and sciences.